

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

LORENZO SOLOMON, # 54500-037

PETITIONER

VERSUS

CIVIL ACTION NO. 5:19cv58-DCB-MTP

**ATTORNEY GENERAL OF THE UNITED
STATES, LEON RODRIGUEZ, and
GREGORY COLLETT**

RESPONDENTS

SECOND ORDER DENYING RECONSIDERATION

BEFORE THE COURT is pro se Petitioner Lorenzo Solomon's Motion for Reconsideration of the Court's April 8, 2020 Order [20]. On October 17, 2019, the Court dismissed this case without prejudice for failure to prosecute and comply with Court Orders. On March 23, 2020, Petitioner filed the first motion [17] for reconsideration, which the Court denied on April 8. Twenty-one days later, he filed this second motion for reconsideration, claiming the Court wrongly denied the first motion. The Court has considered Petitioner's submission and the relevant legal authority.

Because the motion was filed over twenty-eight days past the Final Judgment, this motion shall be treated as one arising under Federal Rule of Civil Procedure 60. Fed. R. Civ. P. 59(e); *Forsythe v. Saudi Arabian Airlines Corp.*, 885 F.2d 285, 288 (5th Cir. 1989).

Petitioner once again asks the Court to reopen this case, claiming that the Court's previous denial was "unjustified, unreasonable, and fundamentally unfair" because the "Court did not properly consider the circumstances underlying Petitioner's failure to prosecute." (2d Mot. for Recons. [20] at 1, 2). He believes the Court should have considered his failure to prosecute from the time it was transferred to this Court and not from the inception of the case.

Petitioner once again contends that he never received any of the previous Orders in the case because he was transferred. He did not receive them because he failed to report multiple address changes or prosecute this case for over year, and he still makes no attempt to comply. The Court has considered the matter and finds there is no reason to reopen this case under Rule 60. The dismissal was without prejudice to Petitioner's right to refile the case in a Court of competent jurisdiction.

IT IS THEREFORE ORDERED AND ADJUDGED that pro se Petitioner Lorenzo Solomon's Motion for Reconsideration of the Court's April 8, 2020 Order [20] should be, and is hereby, denied.

So ordered and adjudged, this the 1st day of July, 2020.

s/David Bramlette
UNITED STATES DISTRICT JUDGE